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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/616,746

07/14/2000

Nick Sevastian

O00-009A

6837

26683

7590

10/07/2004

THE GATES CORPORATION  
IP LAW DEPT. 10-A3  
1551 WEWATTA STREET  
DENVER, CO 80202

EXAMINER

DUVERNE, JEAN F

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/616,746

Applicant(s)

NICK, SEVASTIAN

Examiner

Jean F. Duverne

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2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-14 is/are rejected.
- 7) ☐ Claim(s) 6 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Killinger (US patent 5,010,319).

Killinger discloses a signal lens system having a plurality of light sources 40,42 (figures 3,4), a reflective surface 55 (figure 3), a plurality of light transmitting elements 27,28 (figures 3,4) arranged adjacent and parallel to each other to form a bundle describing a layer 25,57,75 (figures 3,4) where the layer being planar and embedded into a vehicle structure component, and the light source having a command and control device 13 (figure 2) with the light source being located between the reflective surface and the layer of light transmitting elements and the light source being arranged to correspond to the light transmitting elements with at least some of the light transmitting elements having a central axis that is inclined to the reflective surface at a certain angle; the signal lens system further has an outer surface 12 (figures 2 and 3) that is flush with an outer end face of each light transmitting element, and the adjacent ones of the light transmitting elements are spaced from each other (column 3, lines 4455)

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where the light transmitting elements have a diameter of 1.0 mm to 4.0 mm (figure 3; column 45, lines 25-38); the light reflecting element having a central axis (87, 88) that is inclined to the reflective surface at an angle of 45 degrees with the tangent point; a reflective lens system having a plurality of light transmitting elements 27, 28 arranged adjacent and parallel to each other to form a layer 25, an outer surface of said reflective lens system is flush with an outer end face of each light transmitting element 12 (figures 2 and 3), with the light transmitting elements extending square to the outer surface of the reflective lens system; and a highly reflective surface 55 (figure 3) disposed opposite to inner ends of the light transmitting elements where the light transmitting elements are fiber optic stands

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killinger (US patent 5,010,319).

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In regard to claim 7, Killinger's device discloses the aforementioned limitations, but fails to disclose the layer being integral to a vehicle bumper or component. It would have being obvious to one having ordinary skill in the art at the time the invention was made to have the layer integrally made with the vehicle bumper or component, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves routine skill in the art. It would have being obvious to one having ordinary skill in the art at the time the invention was made to have the layer integrally made with the vehicle bumper or component in order to reduce manufacturing cost in Killinger's device.

In regard to claims 9-12, Killinger's device discloses the aforementioned limitations but fails to disclose the vehicle with the light emitting surface embedded when the source light is off; which well known in the art which is well-known in the art. For example see the headlight for Toyota celica (year 89-2004): the headlight with the light emitting surface embedded when the source light is off. It would have being obvious to one having ordinary skill in the art at the time the invention was made to have the light emitting surface embedded when the source light is off in order to protect the light emitting surface in Killinger's device.

### **Response to Argument**

4. Applicant's arguments filed with the amendment on 7/8/2004 have been fully considered but they are not persuasive. The claims do not define structural structure features that distinguish over prior art. Killinger's device discloses the

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claims features and limitations. The Examiner disagree with applicant argument the structural component of the vehicle. The bumper like the lighting component (12) is an attachment to the vehicle body structure (see the above rejection). As the features so broadly recited, the claims do not distinguish over Killinger's device. In regard to argument regarding 6, 9-12, the claims do not recite that fixed number of fibers in the bundles and the fiber ends must be dispersed across the matrix. In addition, the lighting system in the Toyota is operating whether the vehicle is in operation or not. It's only required to turn the switch on. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP, 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

5. Claims 6 and 15 objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to disclose

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the combination features the positioning of the transmitting elements with the rest of the claims limitations.

6. Claims 16-19 are allowed (see the aforementioned allowable subject matter).

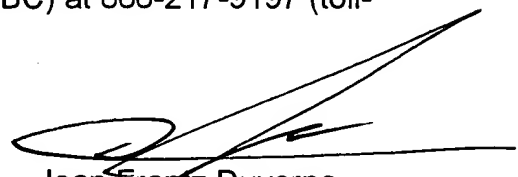
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFD

10/04/2004



Jean Frantz Duverne  
Primary Examiner  
Art Unit 2839